THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EMERY I. VALYI

Appeal No. 1997-0731
Application 08/362,151

ON BRIEF

Before GARRIS, OWENS and KRATZ, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the examiner's refusal to allow claims 1-3, 5 and 7-11 as amended after final rejection.[1]

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[1] The advisory action mailed on April 3, 1996 (paper no. 7) states that the amendment after final rejection filed on March 18, 1996 (paper no. 6) will be entered upon the filing of an appeal. That amendment, however, has not been

These are all of the claims remaining in the application.

THE INVENTION

Appellant claims an injection molding process for forming a color coated article. Claim 1 is illustrative and reads as follows:

1. In a process for forming a color coated article by applying a color coated material to an injection mold having mold halves, a mold parting face, a mold cavity edge, and a mold cavity therein for the formation of an injection molded article, and injecting molten plastic into said mold cavity to form a laminated article with the color coated material bonded to the injected plastic, the improvement which comprises:

providing a color coated blank having a roughened surface, said blank adapted to be placed into at least one mold half, wherein the color coated blank is cut from a web in a size and shape adapted to fit between the mold halves, and with a rim portion thereof adapted to mate with the mold cavity edge at the parting face of the mold;

transferring said blank into registry with at least one of said mold halves, including the step of retaining the rim portion on the mold cavity edge; and

injecting molten plastic into the mold cavity against the roughened surface of the blank to form a laminated, injection molded article with the color coated blank bonded to the injected plastic, wherein the roughened surface of the blank increases the surface area of the blank, promotes greater

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clerically entered. Upon return of the application to the examiner, the examiner should have this amendment entered. We decide this appeal based on the claims as they appear in this amendment, which is how the claims appear in the appendix to appellant's brief.

adherence between the blank and injected plastic and enhances bonding of the blank to the injected plastic.

THE REFERENCES

Valyi	3,939,239	Feb. 17, 1976
Hanamoto et al. (Hanamoto)	4,639,341	Jan. 27, 1987
Yabe et al. (Yabe)	4,898,706	Feb. 6, 1990

THE REJECTION

Claims 1-3, 5 and 7-11 stand rejected under Hanamoto in view of Valyi and Yabe.

OPINION

We have carefully considered all of the arguments advanced by appellant and the examiner and agree with appellant that the aforementioned rejection is not well founded. Accordingly, we reverse this rejection.

Appellant's claims 1, which is the sole independent claim, requires that the color coated blank has a roughened surface which promotes greater adherence between the blank and injected plastic and enhances bonding of the blank to the injected plastic. Appellant argues that the applied

references do not suggest this limitation (brief, page 10).

The examiner argues that Yabe discloses a "roughened patterned surface which would give the obvious improvement of enhanced bonding benefits" (answer, page 6). Yabe teaches that his polycarbonate sheet is conventional and not particularly limited, and has thereon a pattern which is formed by a method which is not particularly limited and which may be conventional silk screen printing, hot stamping and the like (col. 2, lines 54-55; col. 3, lines 6-8). The examiner does not point out, and it is not apparent, where Yabe indicates that this pattern is roughened or that it enhances bonding.

The examiner argues that appellant's roughened surface is made obvious by Yabe's "teaching of an engraved surface which results in a three dimensional or uneven surface" (answer, page 7). Yabe's polycarbonate sheet is pushed toward the mold surface by the injected resin, thereby causing the sheet to follow the engraved unevenness of the mold (col. 2, lines 39-44). Appellant's claim 1, however, requires that the blank itself, which is adapted to be placed into at least one mold half, has a roughened surface. The examiner has not pointed

out, and we do not find, where Yabe discloses or would have fairly suggested, to one of ordinary skill in the art, a roughened blank.

For the above reasons, we find that the examiner has not set forth a factual basis which is sufficient to support a conclusion of obviousness of the invention recited in any of appellant's claims. Consequently, we reverse the examiner's rejection.

DECISION

The rejection of claims 1-3, 5 and 7-11 under Hanamoto in view of Valyi and Yabe is reversed.

REVERSED

BRADLEY R. GARRIS)
Administrative Patent Judge)
)
)

TERRY J. OWENS	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND INTERFERENCES
PETER F. KRATZ	)	
Administrative Patent Judge	)	

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Bachman & Lapointe
900 Chapel Street Suite 1201
New Haven, CT 06510-2802